

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK**

ALONZO GRANT and STEPHANIE GRANT,

Plaintiff,

SPECIAL INTERROGATORIES

Civil Action No.: 5:15-CV-445

(DNH/TWD)

v.

**CITY OF SYRACUSE, POLICE OFFICERS DAMON
LOCKETT AND PAUL MONTALTO, POLICE
OFFICER BRIAN NOVITSKY, and
CHIEF OF POLICE FRANK FOWLER.**

Defendants.

SPECIAL INTERROGATORIES¹

Please indicate your unanimous responses to the following questions by putting an “X” on the appropriate lines. When the verdict form is completed pursuant to the instructions below, the Foreperson should sign the form and return it to the Courtroom.²

Defendant Officer Damon Lockett

1. Has Defendant Damon Lockett proven that he had a reasonable belief that his conduct did not violate Plaintiffs’ civil and constitutional rights?

Yes _____

No _____

2. Did the Defendant Damon Lockett establish, by a preponderance of the evidence, that on June 28, 2014, he reasonably perceived and believed that Plaintiffs Alonzo Grant and Stephanie Grant were arguing loudly inside their home?

Yes _____

No _____

¹ As discussed in Defendants’ Trial Brief, Defendants respectfully submit these are special interrogatory questions to provide to the jury in the event the jury finds in favor of the plaintiffs in order for the Court to determine Defendants’ defense of qualified immunity. *See Stephenson v. Doe*, 332 F.3d 68, 81 (2d Cir. 2003).

² Defendants reserve the right to modify these interrogatories prior to jury submission based on testimony elicited at trial.

3. Did the Defendant Damon Lockett establish, by a preponderance of the evidence, that on June 28, 2014, he reasonably perceived and believed that Alonzo Grant was extremely upset and/or agitated?

Yes _____

No _____

4. Did the Defendant Damon Lockett establish, by a preponderance of the evidence, that on June 28, 2014, he reasonably perceived and believed that Alonzo Grant was gesturing aggressively with his arms toward Stephanie Grant?

Yes _____

No _____

5. Did the Defendant Damon Lockett establish, by a preponderance of the evidence, that on June 28, 2014, he reasonably perceived and believed that Alonzo Grant punched or shoved the front door open, causing it to slam against the railing of the front porch?

Yes _____

No _____

6. Did the Defendant Damon Lockett establish, by a preponderance of the evidence, that on June 28, 2014, he reasonably perceived and believed that Plaintiff Alonzo Grant was refusing to allow Officer Lockett to handcuff him?

Yes _____

No _____

7. Did the Defendant Damon Lockett establish, by a preponderance of the evidence, that on June 28, 2014, he reasonably perceived and believed that Plaintiff Alonzo Grant locked his hands around Officer Lockett's waist?

Yes _____

No _____

8. Did Defendant Damon Lockett establish, by a preponderance of the evidence, that while he was wrestling with Alonzo Grant that he was on his back with Alonzo Grant on top of him?

Yes _____

No _____

9. Did the Defendant Damon Lockett establish, by a preponderance of the evidence, that on June 28, 2014, he reasonably perceived and believed that there was probable cause to arrest Plaintiff Alonzo Grant with Resisting Arrest because of his actions?

Yes _____

No _____

10. Did the Defendant Damon Lockett establish, by a preponderance of the evidence, that on June 28, 2014, he reasonably perceived and believed that there was probable cause to arrest Plaintiff Alonzo Grant with Harassment in the Second Degree because of Plaintiff Alonzo Grant's actions against Defendant Damon Lockett?

Yes _____

No _____

11. Did the Defendant Damon Lockett establish, by a preponderance of the evidence, that on June 28, 2014, he reasonably perceived and believed that Plaintiff Alonzo Grant was engaging in "violent, tumultuous, or threatening behavior"?

Yes _____

No _____

12. Did the Defendant Damon Lockett establish, by a preponderance of the evidence, that on June 28, 2014, he reasonably perceived and believed that Plaintiff Alonzo Grant was making unreasonable noise?

Yes _____

No _____

13. Did the Defendant Damon Lockett establish, by a preponderance of the evidence, that on June 28, 2014, he reasonably perceived and believed that Plaintiff Alonzo Grant was using abusive or obscene language, or making an obscene gesture?

Yes _____

No _____

14. Did the Defendant Damon Lockett establish, by a preponderance of the evidence, that on June 28, 2014, he reasonably perceived and believed that Plaintiff Alonzo Grant was creating a "hazardous or physically offensive condition by any act which serves no legitimate purpose"?

Yes _____

No _____

15. Did the Defendant Damon Lockett establish, by a preponderance of the evidence, that on June 28, 2014, he reasonably perceived and believed that Plaintiff Alonzo Grant "struck, shoved, kicked, or otherwise subjected another person to physical contact, or attempted or threatened to do the same"?

Yes _____

No _____

16. Did the Defendant Damon Lockett establish, by a preponderance of the evidence, that on June 28, 2014, he reasonably perceived and believed that Plaintiff Alonzo Grant was engaged “in a course of conduct or repeatedly commit[ed] acts which alarm[ed] or seriously annoy[ed] other such person and which serve[d] no legitimate purpose”?

Yes _____

No _____

17. Did the Defendant Damon Lockett establish, by a preponderance of the evidence, that on June 28, 2014, he reasonably perceived and believed that Plaintiff Alonzo Grant “intentionally prevent[ed] or attempt[ed] to prevent” Officer Lockett from arresting him?

Yes _____

No _____

Defendant Officer Paul Montalto

18. Has Defendant Paul Montalto proven that he had a reasonable belief that his conduct did not violate Plaintiffs’ civil and constitutional rights?

Yes _____

No _____

19. Did the Defendant Paul Montalto establish, by a preponderance of the evidence, that on June 28, 2014, he reasonably perceived and believed that Plaintiffs Alonzo Grant and Stephanie Grant were arguing loudly inside their home?

Yes _____

No _____

20. Did the Defendant Paul Montalto establish, by a preponderance of the evidence, that on June 28, 2014, he reasonably perceived and believed that Alonzo Grant was extremely upset and/or agitated?

Yes _____

No _____

21. Did the Defendant Damon Lockett establish, by a preponderance of the evidence, that on June 28, 2014, he reasonably perceived and believed that Alonzo Grant punched or shoved the front door open, causing it to slam against the railing of the front porch?

Yes _____

No _____

22. Did the Defendant Paul Montalto establish, by a preponderance of the evidence, that on June 28, 2014, he reasonably perceived and believed that Plaintiff Alonzo Grant was refusing to allow Officer Montalto to handcuff him?

Yes _____

No _____

23. Did the Defendant Paul Montalto establish, by a preponderance of the evidence, that on June 28, 2014, he reasonably perceived and believed that Alonzo Grant locked his hands around Officer Lockett's waist?

Yes _____

No _____

24. Did Defendant Paul Montalto establish, by a preponderance of the evidence, he reasonably perceived and believed that that while Officer Lockett was wrestling with Alonzo Grant that Officer Lockett was on his back with Alonzo Grant on top of him?

Yes _____

No _____

25. Did the Defendant Paul Montalto establish, by a preponderance of the evidence, that on June 28, 2014, he reasonably perceived and believed that there was probable cause to arrest Plaintiff Alonzo Grant with Resisting Arrest because of his actions?

Yes _____

No _____

26. Did the Defendant Paul Montalto establish, by a preponderance of the evidence, that on June 28, 2014, he reasonably perceived and believed that there was probable cause to arrest Plaintiff Alonzo Grant with Harassment in the Second Degree because of Plaintiff Alonzo Grant's his actions against Defendant Damon Lockett?

Yes _____

No _____

27. Did the Defendant Paul Montalto establish, by a preponderance of the evidence, that on June 28, 2014, he reasonably perceived and believed that Plaintiff Alonzo Grant was engaging in "violent, tumultuous, or threatening behavior"?

Yes _____

No _____

28. Did the Defendant Paul Montalto establish, by a preponderance of the evidence, that on June 28, 2014, he reasonably perceived and believed that Plaintiff Alonzo Grant was making unreasonable noise?

Yes _____

No _____

29. Did the Defendant Paul Montalto establish, by a preponderance of the evidence, that on June 28, 2014, he reasonably perceived and believed that Plaintiff Alonzo Grant was using abusive or obscene language, or making an obscene gesture?

Yes _____

No _____

30. Did the Defendant Paul Montalto establish, by a preponderance of the evidence, that on June 28, 2014, he reasonably perceived and believed that Plaintiff Alonzo Grant was creating a “hazardous or physically offensive condition by any act which serves no legitimate purpose”?

Yes _____

No _____

31. Did the Defendant Paul Montalto establish, by a preponderance of the evidence, that on June 28, 2014, he reasonably perceived and believed that Plaintiff Alonzo Grant “struck, shoved, kicked, or otherwise subjected another person to physical contact, or attempted or threatened to do the same”?

Yes _____

No _____

32. Did the Defendant Paul Montalto establish, by a preponderance of the evidence, that on June 28, 2014, he reasonably perceived and believed that Plaintiff Alonzo Grant was engaged “in a course of conduct or repeatedly commit[ed] acts which alarm[ed] or seriously annoy[ed] other such person and which serve[d] no legitimate purpose”?

Yes _____

No _____

33. Did the Defendant Paul Montalto establish, by a preponderance of the evidence, that on June 28, 2014, he reasonably perceived and believed that Plaintiff Alonzo Grant “intentionally prevent[ed] or attempt[ed] to prevent” Office Lockett from arresting him?

Yes _____

No _____

Defendant Sergeant Brian Novitsky

1. Has Defendant Brian Novitsky proven that he had a reasonable belief that his conduct did not violate Plaintiffs’ civil and constitutional rights?

Yes _____

No _____

2. Did the Defendant Brian Novitsky establish, by a preponderance of the evidence, that on June 28, 2014, he reasonably perceived and believed that Defendants Lockett or Montalto had arrested Plaintiff Alonzo Grant with probable cause?

Yes _____

No _____

WHEN THIS FORM IS COMPLETED PURSUANT TO THE INSTRUCTIONS ABOVE, THE FOREPERSON SHOULD SIGN AND DATE THE FORM AND RETURN IT TO THE COURTROOM.

Date: October _____, 2018

Jury Foreperson